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TO THE

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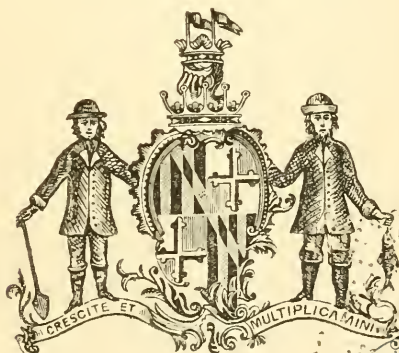
OF

MARYLAND STATE-PAPERS

COMPILED UNDER DIRECTION OF

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Geog. and Statis. Soc., and of the Hist. Societies of Pennsylvania and of Maryland,
etc. etc. etc.



BALTIMORE:

JAMES S. WATERS.

1861.

checked
May 1913

Legentium plerisque, primæ Origines proximaq. Originibus minus præbitura voluptatis sunt, festinantibus ad hæc nova quibus jampridem prævalentis Populi vires se ipsæ conficiunt. Tametsi hoc illud est præcipue salubre et frugiferum, omnis te exempli Documenta in illustri posita monumento intueri; inde tibi tuæq. Reipublicæ, quod imitere, capias: inde fœdum inceptu, fœdum exitu, quod vites.



P R E F A C E .

It can hardly be necessary to argue here the importance of Compilations like the present, or the propriety of multiplying copies of them, in a printed form. Their decided unattractiveness for both writer and reader, ought to be counterbalanced by some emphatic advantages of usefulness and application. And, in fact, it would not be difficult to justify the inducements in making them and in using them when made, upon weighty considerations connected as well with the condition they betoken and the influence they exert in Communities as with the convenience of individual inquirers or future historians. In this last aspect, for example, the present little Volume is the abstract and guide of more than six thousand folio pages of manuscript; every one of which would otherwise have to be perused by the person interested in obtaining information as to any single particular.

After all, however, it is perhaps more philosophical to regard the call for such things and the impulse to furnish them, as a sort of secular instinct, developing itself at certain fixed periods governed by general laws or at least influenced by general causes, in every civilized community. While yet young, for instance, each such community has no eyes for the Past (for the Past, to be practical, must always be subjective); it looks only to the Future, and to a Future that it surely deems will somehow be golden, though the Present be an age of iron. Like some youthful Heir, it hurries on, through the luxury of possession and the delights of mere animal vigor, to those new conditions which, as the Roman Historian says, are the limits to its achievements.

When it has reached these and found (as divers Heirs do find) that more has been wasted than won, or that at best all its belongings tend to be stationary, it has time to turn round; and, as it has now created a Past for itself, it yearns over the work of its hands and pleases itself in the pictures of its earlier doings. This is the epoch of History; and this, the period when that secular instinct which has been spoken of, begins to be developed.

Of course, this epoch varies in various communities; and its occurrence in any given case seems to be determined, among other things, by the relations of its origin and the circumstances under which its germ was produced. So, one coming into existence as a Colony more or less dependent upon an older society, carries it with it, however widely separate in space, the vitality and (as it appears) in some degree the maturity, even, of its parent stem; and the indications of its development start from a more advanced point on the scale, just as a graft fructifies earlier than a scion. The youth of such a Colony, then, might be expected to be more sedate than the similar term of another community, springing up beside it, composed of more independent materials, whether those materials be voluntary and pious exiles or outlaws.

These inductions are reasonably well sustained in the case of the Community concerned in the following pages,—that of MARYLAND. Its soil was Palatinate property; and its earliest settlers had been brought up among the traditions of a great Empire and amid a civilization that, if deficient in divers technical appliances with which we in the latter half of the nineteenth century have recently grown familiar until we may think them indispensable, was nevertheless as high as Europe knew in the beginning of the seventeenth. Nor, even with that qualification of comparative antiquity, can it be taken as of low grade. The World had already then been circumnavigated under English sails; and coffee and tobacco were domestic luxuries prized, although (and in various aspects, fortunately) not so wildly and indiscriminately consumed, as now. The euphuism of SIDNEY—itself a token of reflecting refinement—had long since given way to the loftier conceptions and more catholic phrase of SHAKESPEARE and to the purer taste of SPENSER; while the English Version of the BIBLE, (which is ours still, nor needs to be altered,) had, for nearly a generation, fixed the standard of the language. BACON, too, had some time

before recalled men to the true science of philosophizing about things, which the Schoolmen had for so long wrapped up in subtleties of words that the old method was nearly lost; and the first foundation of SAINT MARY'S was almost co-temporaneous with the birth of NEWTON. The intellectual and moral appreciation of the True and of the Beautiful had, then, been established upon the same bases which are accepted to this day; and, in so far as such appreciation is a test of Civilization, it would not be hard to maintain that the differences between our Maryland forefathers and ourselves, were more formal than substantial.

However this may be, the emigrants hither brought with them the habitudes to which they had been accustomed in GREAT BRITAIN; and among others was the copious furniture and careful preservation of written materials for the future History of the community. How far another adjunct of civilization—the assignment of fees and the love of receiving them—contributed to this abundance of manuscript, may be a question; but any one who will take the trouble of going over the Books out of which this Index has been compiled, and of observing the luxury of periphrasis and patience of repetition which reign there, will agree that if these old clerks took fees, they at least earned them.

Besides this original documentary and recorded mass, it was the habit to transmit to Lord BALTIMORE, (generally resident in London,) copies of every transaction in which he, as Proprietary, could be directly or indirectly concerned—proceedings of the Council, journal and acts of the Burgesses, cases before the Admiralty, questions in the Land Office, and even testimony in individual controversies which were likely to involve, at some time or other, Proprietary rights. Similar copies of divers of these transactions were also transmitted—sometimes with regularity, as during those periods when Lord BALTIMORE'S government was in abeyance, at other times in the nature of an appeal for Royal interference—to what is now known as the Foreign Office; as well as (in instances where it was necessary, and in others where the necessity is not so apparent) to the Commissioners of the Privy Council corresponding to the Lords Commissioners of Plantations and the present Board of Trade.

It is in this way that the documentary material for the History of MARYLAND came to be so copious—more so, indeed, than that of any other of the American Colonies, and sufficient to warrant the convic-

tion that such History might be now written with as much precision and more impartiality than would have been shewn had it been attempted co-temporaneously with the events themselves.

IN HER MAJESTY'S STATE-PAPER OFFICE at LONDON, for instance, these documents are found intermixed numerously through one hundred and eighty-five record-folio volumes and fifty-eight bundles, equivalent to at least fifteen more; while nine others contain exclusively matter from Maryland. It is true that as this Office is now, judiciously enough, a common limbo for Papers that formerly were distributed in different Departments, the documents occur not unfrequently, (but to an extent in bulk probably short of five per cent.) in duplicate and sometime even in triplicate. These last instances (which, however, are rare,) occurred in this wise. A particular document was transmitted to the Foreign Office; and because of some specialty in its topic, a duplicate was forwarded also to the Commissioners of Plantations for their consideration or decision. It took a good while for such Papers to reach their destination; and the Lords Commissioners of those days, whatever might have been their merits or defects in other regards, certainly ran no risk of unsound conclusions by having arrived at them speedily. In the interval between the arrival of the document and the happy period for action on it, the Paper itself would be mislaid—we have documentary authority for more than one case of this kind, and what is true of one will probably serve for all; application would be made (not to the Foreign Office, which perhaps had ideas of its own about its archives, but) to Lord BALTIMORE, who was always a party concerned, and whose business it was assumed to be to find the material to be acted on. If his Lordship was satisfied that the matter was going to be acted on rightly, i. e. in the way he desired, he immediately sent his own copy of the Paper in question, (as we know him to have done in one instance): if, on the contrary, he thought that the matter had better rest than be determined adversely to him, he replied (as he did also in one instance) that he would send over for a fresh copy from America, which of course came in due time. Now, none of these Papers were ever lost; and when the transfer was made, years later, from both of the Departments in question to the general depository of the STATE-PAPER OFFICE, of course they all turned up in the systematic handling there, and in this way they appear in triplicate.

In the BRITISH MUSEUM, also, there are collections of MARYLAND documents, some of them duplicates of what we have elsewhere, but the major part different from those in the STATE-PAPER OFFICE; and a portion of these, belonging to that turbulent decade preceding the Commonwealth, when the unhappy CHARLES had not always access to His archives at WESTMINSTER and probably deposited elsewhere what otherwise would have gone there. At least this is a term, in evidences of which the STATE-PAPER OFFICE is singularly scanty. Many years ago, these possessions of the BRITISH MUSEUM might have been increased; and with objects of great interest. In the autumn of 1839, there were lying in one of its rooms on the ground floor, two considerable chests marked CALVERT PAPERS, which I myself observed with much interest; but presuming that they were an acquisition of the Establishment and would be shortly examined and reported upon thoroughly, or at least be thereafter forever accessible, I made no particular enquiry about them, at the moment. It appears that this presumption was erroneous; and upon a diligent research instituted recently,—under the disadvantage to be sure of there being not a single person left now in the employment of the Institution, who was connected then with the particular branch of its Service to which belongs the receipt and custody of such things, until they are handed over to be placed in their proper receptacles,—no further intelligence could be obtained about them, and no other conclusion arrived at than that, when seen, they were merely *in transitu*, having been probably offered by some party possessing them, but at such a price as precluded their purchase. However this may have been, the mischance is very much to be regretted.

In the archives of the See of London at FULHAM, and probably also in the Archbishoppal palace at LAMBETH, as well as at SION College, are collections of MARYLAND Papers of another type from the preceding, and exhibiting the ecclesiastical aspect of the Province which was always kept under the jurisdiction of the Bishop of LONDON; which aspect, considering that the Church-Establishment was, for nearly a century and a half, part of the frame-work of society here, is not so much a complement as one of the essential features of the History of the province. At SION, the collection consists but of one large folio, from the papers of the Rev. Dr. BRAY whose name will be found in

the Index; its contents were calendared not long since by my own hand. The documents at FULHAM have been patiently examined and their substance used by the Rev. Dr. HAWKS for his published volumes of Ecclesiastical Contributions; and a copy of many of them was recently obtained for the archives of the Diocese of MARYLAND: but I am not certain whether there exists any Calendar or even Catalogue of them all.

Of the Collection in the STATE-PAPER OFFICE, to return to that topic for a moment, a Catalogue is in the possession of the MARYLAND HISTORICAL SOCIETY; which was prepared and presented to that Society several years since by the liberality of Mr. PEABODY. But the interest attaching to this, is lessened in the prosecution of a much more elaborate and detailed and at the same time comprehensive work which is now going on officially under the editorship of Mr. SAINSBURY; and one volume of which has been already delivered.

Some two years ago, when there had been published under the auspices of the STATE-PAPER OFFICE, four volumes of the so-called *Calendar of Domestic Papers* (a set of which was very obligingly placed at my disposal by the Authorities, and transferred by me to the STATE LIBRARY at ANNAPOLIS) seeing the irregularities that must always prevail in the attempt to discriminate between two topics so closely allied as the so-called Domestic and Colonial Correspondence, unless the two are treated at the same time and as far as may be by one person or at least according to one uniform system, and aware of the ill-economy in other respects of doing any work piece-meal, I took occasion to urge upon the Authorities and especially upon the Deputy Master of the Rolls, Sir FRANCIS PALGRAVE, the importance of calendaring both series of Documents, Domestic and Colonial, simultaneously; and, less as an inducement to the adoption of some plan covering this suggestion than as evidence of the interest I felt in the subject, I offered at once to contribute the proportionate share of expense which should accrue upon my being furnished with a manuscript extract containing the complete Calendar of the MARYLAND Documents in that Repository. The suggestion was not acted on at the time, without doubt for good reason: but the question does not appear to have slept; it seems to have been taken up under better auspices; and this labor of Mr. SAINSBURY is the first-fruits of the new decision

and a welcome omen of the ultimate result. I shall be well pleased if any thing which I may have said or done, shall have contributed to so desirable a consummation.

Such, then, is all that need be said in reference to Foreign repositories. Our own collections at home, are, as might be expected, still more rich and abundant. These, nevertheless, are only the remains of a much larger mass which various misfortunes have tended to diminish. Forceful and warlike seizure of the archives, as in the act of INGLE; purloining of papers, as in the alleged instance of LAWRENCE; a removal of the seat of Government from remote SAINT MARY'S to ANNAPOLIS—these are some of the incidents of an earlier day, not favorable to conservatism. At a later one, the occurrence of the Revolution by which the provincial character of the community was exchanged for an independent and sovereign condition, seems also to have borne the people back to a far earlier stage of social existence and to have obliterated, along with respect for traditions, a great part of any regard for the memorials which preserved them. I do not know exactly the condition of these Papers in the latter part of the last century; but certainly their state, shortly after the first quarter of the present one, went far to warrant the conclusion I have drawn. Exclusion of the atmosphere to a certain extent and an envelope of dust were, at this last period, the best safeguards upon which some of these unhappy documents had to rely; others had to endure imprisonment in cellars; and others again were consigned to lofts, or exiled to remote crypts. It was about this epoch that I made my first serious acquaintance with some of them; which were deposited in three large open boxes containing matter that, unfolded and arranged, would have filled fifteen or twenty volumes, and were left in the wood-house of the TREASURY OFFICE—itself at that time a recent adjunct; so that the Papers, in coming there, had to undergo the friction and abrasion of a removal which plainly appeared to have been managed with more regard to dispatch than to any other executive virtue. Under the domain of that instinct which was spoken of a while ago, I commenced for my own amusement, with the knowledge and consent of my elders and superiors, the unfolding and chronological arrangement of the documents; and, for a while, I thought an authoritative encouragement would be given to proceed. But, unfortunately, the sympathy which I

had solicited for my design in the beginning, outran my anticipations and wishes; a certain zeal, the re-action of earlier carelessness, was excited for it; it was taken under the patronage of (among others) a late eminent judicial functionary who contemplated its superintendence; and the value which he set upon his proposed labor, (to wit, Five thousand dollars, in coin of the realm) very effectually stopped then, as I have no doubt it would now, any further progress. I have long outgrown any disagreeable recollections of the painful disappointment I endured at the time; and, without any apprehension of being charged with egotism, I simply record these facts (as I have more right and reason than any one else to do) to take their place in our history.

This abortive attempt, however, was followed naturally enough by better success under other auspices; and the STATE-LIBRARY which was founded in the following year, 1829-30, became the depository of the particular Papers in question, and was intended as an Institution by which the materials for our early History should be preserved, arranged and utilized. To a certain extent, this good intention was realized; and a large volume now contains a number of transcripts of documents. It is to be regretted, however, that under some peculiar views entertained by the transcriber, the originals after having been copied, were destroyed. From this fact, and from the total disappearance of the considerable mass spoken of just now as having been removed from the TREASURY, it is probable that the same process of destruction was applied to many other originals which were supposed not to be (and possibly were not) worthy of preservation.

After all this, however, the remains still in possession are quite extensive. More than two hundred volumes attest the industry and care, and preserve the memorials of our ancestors; and with these and the resources of Foreign depositories, there is hardly any lack of material for an authentic and detailed History of Maryland.

After the spasmodic efforts which have been referred to, and which may be regarded as covering the period from 1827 to 1840, the question of our State-Papers was left to rest for a long time. It was only in 1858, after the incoming of a new and very memorable Administration,—that of Governor HICKS,—that the subject was again revived in the passage of an Act by the Legislature, (Jan. Sess. 1858, ch. 27.) authorizing a small appropriation (of five hundred dollars) for the

clerical expenses of copies of State-Papers to be procured from Foreign repositories, under the direction of a Commissioner whose appointment it authorized. This was, in motive though not in form, the re-enactment of a previous Resolution of the General Assembly, (Dec. Sess. 1836, No 56,) which I had myself caused to be passed, but which from non-user might have presumed to have expired. Absent from the country at and before the time of the passage of the Act in question, I had nothing more to do with it than to have suggested its appropriateness. The principal author of what I am convinced will hereafter be regarded as a very important and meritorious step, was, I believe, Mr. Secretary PARTRIDGE.

As there were no perquisites annexed to the Commission in question, the discretion of the Chief Executive in selecting the Agent was not hampered by any competition; and I accepted the charge under motives which had survived for thirty years, and which can be readily understood. In due time, I made myself familiar with the Foreign repositories in question: but as I had steadily in view a systematic attainment of the object aimed at, viz: a complete collection for the State of all existing Documents, original or transcribed, relating to the past History of MARYLAND and such a Calendar of these, manuscript or printed, as should make their contents available for any and every future historical Inquirer, I wasted very little in the premature copying of Documents. I only established in this respect an intelligent and reliable resort whenever needed; and advised, in a Report made to the Governor at the close of the year 1859, that the first suitable step was the enumeration and ascertainment of the Documents at present in our own possession. His EXCELLENCY approved of this suggestion; and I engaged the Rev. Doctor ALLEN, whose private researches had made him more familiar than any other person with the Documents in question, and whose advice had greatly helped the public measures about them, to compile an appropriate Calendar. This has in part been accomplished; and a foolscap folio of 408 pages constitutes the first volume of such a Calendar: of which the present publication is the Alphabetical Index.

The original Records which have been thus examined and calendared by Dr. ALLEN, are as follows:

- I. LIBER Z. Records from 1637 to 1642, of Proceedings of Council and of Assembly, of Land-grants, of Deceased Persons' Estates or Orphans' Court, and of some other Curial proceedings. This volume is in the possession of the Maryland Historical Society.
- II. LIBER F. Records from 1637 to 1642, of Council Proceedings and Documents.
- III. LIBER A. Records from 1647 to 1650, similar in character to those in the preceding No. I.
- IV. LIBER B. Records from 1648 to 1657, similar to the last. The original entries of the three preceding, are apparently not now in existence: but are found as ancient copies in Vols. 1, 2 and 3 of the Records of the Land Office, where the Books in question are at present deposited.
- V. LIBER —. Council Proceedings from 1636 to 1657.
- VI. LIBER —. Council Proceedings from 1637 to 1658.
These are principally duplicates of parts of the preceding Nos. I.—IV.; though they contain also copies of many documents not found elsewhere. They are at present in the Council Chamber.
- VII. LIBER HH. Council Proceedings from 1656 to 1669.
- VIII. LIBER AM. Council Proceedings from 1669 to 1674.
These two are in possession of the Historical Society.
- IX. LIBER K. Council Proceedings from 1692 to 1694.
An intermediate volume, 1674—1692, has not yet been met with.
- X. LIBER HD. Council Proceedings from 1694 to 1698.
- XI. LIBER X. Council Proceedings from 1697 to 1703.
- XII. LIBER FF. Journals of the Upper House from 1658 to 1698.
These four last are at present in the Council Chamber.
- XIII. LIBER Y. Proceedings of Assembly from 1649 to 1669.
This is in possession of the Historical Society.
- XIV. LIBER —. Proceedings of Assembly from 1676 to 1702.
- XV. Miscellaneous Documents of various dates from 1682 to 1776; copied (as mentioned just now) by the Librarian of the State from the originals formerly in the Treasury. The two last are in the State-Library.

These cover, tolerably connectedly, the period between the first beginning of the Province and the commencement of the last century. And they were chosen judiciously, I have no doubt, as the most proper materials for the First Volume of the intended Calendar which follows them, with apparently sufficient minuteness, through nearly 6000 pages. The entire mass of the Documents we have, will probably require six more volumes like the one which has been executed.

The appropriation was not exhausted by what has been done; and my intention was to have gone on with a Second Volume of the Calendar, to have been prepared in the same manner as the First. But this good intention was somewhat dampened by the apparent want of interest manifested by the GENERAL ASSEMBLY of 1860, in not making any provision for continuing the work; and it was, of course, more satisfactory to pause at a point where a certain completeness had been attained, rather than to enter upon another stage without the certainty of means at disposal to finish it. I thought it, therefore, more judicious to render generally and practically useful, what had been already done; by the publication of a brief Alphabetical Index, which exposes and makes accessible a part of our Historical Documents, and which will, I hope, have the effect of stimulating a desire, on the part of those who are concerned, to have the whole made equally so.

In this view, as the occupations of the Rev. Dr. ALLEN did not allow of his preparing the Index to his work, I caused it to be compiled by Mr. JULIAN ALEXANDER; who has executed it, as far as I have been able to judge by sundry comparisons with the text, with accuracy and a certain skill. It must be recollected that a detached Index of this sort has, of necessity, to be more voluminous than if it was conjoined to the text to which it relates. In this last case, a simple numerical reference to the pages would be sufficient: in the actual condition of serving as a guide to Books which are not at hand, there must be some verbal indication of the particular topics which the respective references are intended to cover. Also, it will be found in the use of the Index, that by systematic repetitions of the same topic under different alphabetical heads—by which, each such head is made complete in itself, and the time of the Inquirer is spared from having to turn continually backwards and forwards to various heads in the

pursuit of what belongs more or less to all—a convenience has been provided, which has been cheaply acquired by the additional labor of the Compiler and of the Printer.

The numbers of this Index refer to the pages of the manuscript Calendar. I would have preferred, had it been suitable, to make them refer to the Volumes and pages of the original Records. But this would not only have vastly increased the labor of compilation, but would also have augmented the risk of error, clerical and intellectual, which always accumulates in every reduction of scale, and which in this case—the mass of the Records being one hundred fold that of the Index, and the result of the latter being a reduction from a reduction, i. e. worse than a copy from a copy—would have been quite serious. The use of the Index, then, is to find for any given head and topic under that head, the page of the Calendar where they are treated; the Calendar may or may not furnish sufficient information to satisfy the Inquirer; if the former, the object has been attained, and there is no need of looking further; if the latter, the Calendar itself will have furnished the indications of the volume and page of the Records themselves to be consulted.

It would undoubtedly be desirable to avoid, if possible, this contingency of a double reference; but such avoidance is hardly to be attained otherwise than by the publication of the Calendar itself with its own Index, or of an Index which should be nearly as copious as the Calendar. One or other of these steps will probably be justified hereafter. At this moment either of them would be premature; and the present result must stand upon its own merits to be an evidence of the interest that attaches to the Historical materials in our possession, and an incentive to their further exploration.

Finally, I hope that the judiciousness of plan and satisfactoriness of execution in this Index, may only equal the disinterestedness of my own motives in regard to it, and the gratuitousness of my own labor; in which event, with the sympathy and co-operation of scholarly persons like-disposed, it will certainly happen that either I, or some one better qualified, will be called on before long to consummate what is here begun.

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TO THE
FIRST VOLUME OF THE CALENDAR.

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